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California State Senate

SENATOR
DARRELL STEINBERG
PRESIDENT PRO TEMPORE
SIXTH SENATE DISTRICT

STANDING COMMITTEES:
SENATE RULES
CHAIR
APPROPRIATIONS
PUBLIC SAFETY



March 5, 2013

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Re: Support for Proposed Emergency Regulation — OAL File No. 2013-0228-04E

Dear OAL Reference Attorney:

I write to express my support for California Department of Insurance's proposed emergency regulation (OAL File No. 2013-0228-04E), which would enforce state law that requires insurers to cover medically necessary behavioral health treatment for pervasive developmental disorder or autism. I agree with the Commissioner's finding that an emergency exists and therefore respectfully request the Office of Administrative Law to approve this emergency regulation.

Autism has reached epidemic proportions in California, which leads the nation with at least 72,000 individuals with autism spectrum disorders (ASD). The core deficits of autism include severe and pervasive impairment in social settings and deficiency in verbal and nonverbal communications. Research has shown that children can recover from autism with behavioral health treatment.

In October of 2011, Governor Brown signed into law SB 946, California's landmark bill, which I authored, requiring health care coverage for "behavioral health treatment" (BHT) of children with autism and pervasive developmental disorders. This legislation, which went into effect July 1, 2012, mandates that all state-regulated health plans must fund BHT and provide these services in the same manner as any other covered medical diagnosis.

Regretfully, some health plans and insurance companies have imposed impediments to the implementation of this legislation, which are delaying and/or denying access to crucial services for individuals with ASD and their families. This emergency regulation will eliminate many of these specious barriers raised by some insurers, such as IQ testing, visit and dollar limits, assertions that treatment is educational, or claims that providers/supervisors must hold state licenses, all which subvert the intent of SB 946.

Failure to adopt the proposed regulation will deprive approximately 8,500 autistic children of behavioral health treatment creating barriers that would prevent them from functioning successfully in their homes, schools and communities. Furthermore, failing to adopt the emergency regulation would cause financial harm to the state and public institutions that must provide treatment and services when insurers fail to do so. Unless the emergency regulation is adopted, California's public schools and regional centers will incur an additional cost of \$69.4 million to \$98.9 million over the next 180 days. Any additional delays in the adoption of these regulations will further increase these costs to the public.

This regulation ensures that insured children with ASD will have access to early treatment that can enable them to succeed in school and society. It increases their chances of avoiding a lifetime of disability and institutionalization.

Thank you for your time and consideration. Please feel free to contact me at if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darrell Steinberg', with a stylized, looped flourish at the end.

DARRELL STEINBERG

Senate President pro Tempore

Sixth Senate District

cc: Georg Teekell, California Department of Insurance